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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

vs.

META PLATFORMS, INC.,

Defendant.

This Document Relates To: All Actions

Consolidated Case No. 3:20-cv-08570-JD

**JOINT STIPULATION BETWEEN
CONSUMER PLAINTIFFS, ADVERTISER
PLAINTIFFS, AND DEFENDANT META
PLATFORMS, INC. REGARDING
SUBSTANTIAL COMPLETION DATE
FOR DOCUMENT PRODUCTION AND
MODIFICATION OF CASE SCHEDULE**

The Hon. James Donato

JOINT STIPULATION

Consumer Plaintiffs (“Consumers”), Advertiser Plaintiffs (“Advertisers”), and defendant Meta Platforms, Inc. (“Meta”), by and through their undersigned counsel, hereby stipulate and respectfully request as follows:

WHEREAS, the Court held a status conference with the parties on August 11, 2022;

WHEREAS, the Court thereafter ordered the parties to “meet and confer on a deadline for the substantial completion of document production” (Dkt. 334 at 2);

WHEREAS, the parties have—pursuant to the Court’s order—met and conferred regarding a proposed date for substantial completion of document production;

WHEREAS, Advertisers and Meta on June 9, 2022, reached agreement on the 40 document custodians from whose files Meta would collect, search, and produce documents responsive to Advertisers’ pending requests for production;

WHEREAS, Consumers and Meta on June 16, 2022, reached agreement on the 48 document custodians from whose files Meta would collect, search, and produce documents responsive to Consumers’ pending requests for production;

WHEREAS, Consumers and Meta on August 4, 2022, reached substantial agreement on the search strings that Meta would run across the 48 Meta-Consumer custodians’ files to search for responsive documents, and final agreement on the remaining search strings on September 12, 2022;

WHEREAS, Advertisers and Meta continue to negotiate and near agreement on the search strings that Meta will run across the 40 Meta-Advertiser custodians’ files to search for responsive documents;

WHEREAS, Meta is engaging, or will engage, in human review of at least 1.2 million documents hit upon by Consumers’ search strings that were run across the 48 Meta-Consumer custodians’ files;

WHEREAS, Meta is engaging, or will engage, in human review of at least 1.4 million documents hit upon by Advertisers’ search strings that were run across the 40 Meta-Advertiser custodians’ files;

1 WHEREAS, Consumers have agreed to search for additional documents responsive to
2 Meta's requests for production to Consumers;

3 WHEREAS, Advertisers have agreed to search for additional documents responsive to
4 Meta's requests for production to Advertisers;

5 WHEREAS, Consumers, Advertisers, and Meta have issued document subpoenas to non-
6 parties, respective subpoena negotiations with many non-parties are still underway, many non-
7 parties' investigations into responsive documents are continuing, and, as a result, many of the non-
8 parties' document productions have not yet begun or are ongoing;

9 WHEREAS, Consumers, Advertisers, and Meta believe that—in light of the broad scope
10 and large number of documents being collected, searched, reviewed, and produced—the parties can
11 substantially complete document production in response to already-served document requests by
12 December 19, 2022;

13 WHEREAS, the Court has set a case schedule (Dkt. 289), with fact discovery currently set
14 to close on January 13, 2023;

15 WHEREAS, the parties have sought to meet the Court's existing case schedule but
16 respectfully submit that good cause exists to extend the case schedule given the extensive document
17 discovery that is underway and still ongoing;

18 WHEREAS, the parties respectfully submit that modifying the case schedule will also best
19 allow the parties to effectively coordinate, schedule, and complete depositions given the likely
20 number of witnesses to be deposed, by providing: (a) the Deposing Party sufficient lead time to
21 complete its review of each custodian's documents and determine whether to notice the deposition
22 of that custodian, as and after the responding party substantially completes document production of
23 that custodian's files; (b) the Noticed Party sufficient time to continue to, in parallel, make the
24 document productions of other custodians' files on a rolling basis until substantially completing the
25 document productions for those other custodians as well; (c) the Noticed Party sufficient time to
26 confirm that each witness is available on the date that the Deposing Party seeks to take the witness's
27 deposition, and, if not, to confirm a date on which the witness is available and that is within a
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1 reasonable amount of time of the date that the Deposing Party originally proposed; and (d) the parties
2 sufficient time to complete depositions of witnesses, including parties and non-parties;

3 WHEREAS, the parties' proposed December 19, 2022 substantial completion date is
4 approximately one month before the existing fact discovery cut-off of January 13, 2023, such that
5 the parties—after substantial consideration and discussion—believe an extension of the fact
6 discovery cut-off by approximately six months is necessary to provide the parties the time between
7 substantial completion of document production and the fact discovery cut-off that the parties agree
8 is needed to complete depositions and fact discovery, including to allow the parties to prepare for
9 depositions based on their respective reviews of the large number of documents yet to be produced,
10 schedule and complete fact depositions of the large number of witnesses that are likely to be
11 deposed, and allow the parties' respective experts to prepare and complete their analyses in advance
12 of class certification expert reports and the Court's class certification process;

13 WHEREAS, the parties respectfully submit that, for the reasons described above, good cause
14 likewise exists for a similar six-month extension of the other dates set in the Court's scheduling
15 order (Dkt. 289) and that such an extension of these dates would largely preserve the same
16 sequencing of and spacing between case events currently set in the Court's scheduling order;

17 WHEREAS, the parties have met-and-conferred regarding a proposed, revised case schedule
18 and jointly propose and respectfully request that the Court enter the following modified dates¹:

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25 ¹ In general, the parties propose a six-month extension of existing dates. Where appropriate, the
26 parties have modified particular dates to account for the Court's preference for holding specific
27 hearings on particular days of the week (*e.g.*, law and motion calendar on Thursdays, expert
28 concurrent proceedings on Tuesdays, and trial on Mondays) and for holidays. As a result, some
dates may reflect proposed modifications that are slightly less or slightly more than six months from
existing dates.

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Modified Deadline</u>
Substantial Completion of Document Production for Already-Served Document Requests	N/A	December 19, 2022
Fact discovery cut-off	January 13, 2023	June 30, 2023
Plaintiffs' class certification expert disclosures	January 27, 2023	July 21, 2023
Defendant's class certification expert disclosures	February 24, 2023	August 11, 2023
Plaintiffs' class certification reply expert disclosures	March 24, 2023	September 15, 2023
Last day to file class certification and class <i>Daubert</i> motions	April 7, 2023	September 29, 2023
Last day to file oppositions to class certification and class <i>Daubert</i> motions	May 12, 2023	November 3, 2023
Last day to file replies to class certification and class <i>Daubert</i> motions	June 9, 2023	December 1, 2023
Last day to file joint submission for class certification concurrent expert proceeding	June 12, 2023	December 4, 2023
Class certification concurrent expert proceeding	June 27, 2023, at 11:00 a.m.	December 19, 2023, at 11:00 a.m.
Class certification hearing	July 13, 2023, at 10:00 a.m.	January 12, 2024, at 10:00 a.m.
Bilateral merits expert disclosures	August 4, 2023	February 2, 2024
Bilateral merits rebuttal expert disclosures	September 8, 2023	March 8, 2024
Merits expert discovery cut-off	October 20, 2023	April 19, 2024

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Modified Deadline</u>
Last day to file dispositive and merits <i>Daubert</i> motions	November 17, 2023	May 17, 2024
Last day to file oppositions to dispositive and merits <i>Daubert</i> motions	December 15, 2023	June 14, 2024
Last day to file replies to dispositive and merits <i>Daubert</i> motions	January 5, 2024	June 28, 2024
Last day to file joint submission for merits concurrent expert proceeding	January 8, 2024	July 8, 2024
Merits concurrent expert proceeding	January 23, 2024, at 11:00 a.m.	July 23, 2024, at 11:00 a.m.
Dispositive and merits <i>Daubert</i> motions hearing	February 1, 2024, at 10:00 a.m.	August 1, 2024, at 10:00 a.m.
Pretrial conference	June 27, 2024, at 1:30 p.m.	January 9, 2025, at 1:30 p.m.
Jury Trial	July 15, 2024, at 9:00 a.m.	January 27, 2025, at 9:00 a.m.

WHEREAS, the parties wish to ensure that they meet their proposed, modified case schedule so that no further extensions should be necessary; and

WHEREAS, the parties have therefore discussed and agreed to the following procedures to best ensure that the parties meet their proposed, modified case schedule:

- **Scheduling Deposition Dates:** Subject to subsequent court order, the parties agree as follows: The parties will make good-faith efforts to consult in advance to schedule depositions at mutually convenient times and places and provide at least 14 calendar days between the request and the noticed deposition date. The Noticed Party shall make good-faith efforts to respond to a request for a deposition date within 10 days of the date that the deposition request was made. If the Noticed Party cannot accommodate the date that the Deposing Party proposed, then the Noticed Party will confirm when the witness is available and make good-faith efforts to propose alternative date ranges that are within 21 days of the Deposing Party's original proposed deposition date, unless that timing would impose an

1 unreasonable burden on the deponent or the deponent's counsel, in which case the Noticed
2 Party shall propose alternative date ranges that are reasonably close in time to the Deposing
3 Party's original proposed deposition date. When a party offers date(s) for its witness, the
4 other party will make good-faith efforts to respond to the offered date(s) within 5 days that
5 the date(s) were offered. The parties also agree to confer regularly on deposition scheduling
6 and to work collaboratively so that party depositions are not unduly concentrated in the final
7 weeks of fact discovery.

8 ACCORDINGLY, Consumer Plaintiffs, Advertiser Plaintiffs, and Meta Platforms, Inc., by
9 and through their respective counsel, hereby stipulate and respectfully request that the Court:

- 10 1. Find that good cause exists to modify the scheduling order (Dkt. 289) and
11 accordingly modify the case schedule as requested in the parties' above stipulation.
 - 12 2. Enter the parties' protocol regarding scheduling dates for depositions, such that,
13 subject to subsequent court order, the parties agree to provide at least 14 calendar
14 days between the request and the noticed deposition date; that the Noticed Party shall
15 make good-faith efforts to respond to a request for a deposition date within 10 days
16 of the date that the deposition request was made, and if the Noticed Party cannot
17 accommodate the date that the Deposing Party proposed, then the Noticed Party shall
18 confirm when the witness is available and make good-faith efforts to propose
19 alternative date ranges that are within 21 days of the Deposing Party's original
20 proposed deposition date, unless that timing would impose an unreasonable burden
21 on the deponent or deponent's counsel, in which case the Noticed Party shall propose
22 alternative date ranges that are reasonably close in time to the Deposing Party's
23 original proposed deposition date; and that when a party offers date(s) for its witness,
24 the other party will make good-faith efforts to respond to the offered date(s) within
25 5 days that the date(s) were offered.
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

By: _____

Hon. James Donato

United States District Judge

1 DATED: October 13, 2022

Respectfully submitted,

2 By: /s/ Shana E. Scarlett

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1 **ATTESTATION OF STEPHEN A. SWEDLOW**

2 This document is being filed through the Electronic Case Filing (ECF) system by attorney
3 Stephen A. Swedlow. By his signature, Mr. Swedlow attests that he has obtained concurrence in
4 the filing of this document from each of the attorneys identified on the caption page and in the above
5 signature block.

6 Dated: October 13, 2022

By /s/ Stephen A. Swedlow

7 Stephen A. Swedlow
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10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on this 13th day of October 2022, I electronically transmitted the
12 foregoing document to the Clerk's Office using the CM/ECF System, causing the document to be
13 electronically served on all attorneys of record.

14 By /s/ Stephen A. Swedlow

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